

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK A. SMITH,	:	
	:	
Plaintiff,	:	
	:	12-CV-4892 (JPO)
-v-	:	
	:	<u>ORDER ADOPTING</u>
CITY OF NEW YORK, QUAZI SATTER,	:	<u>REPORT AND</u>
CHARLES MIRABILE, SYDNEY PIGOTT,	:	<u>RECOMMENDATION</u>
and GEORGE STRACHAN,	:	
	:	
Defendants.	:	
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J. PAUL OETKEN, District Judge:

Plaintiff Mark A. Smith, proceeding *pro se*, brought this action pursuant to 42 U.S.C. § 1983, alleging that his civil rights were violated when medical staff ignored his complaints of extreme pain resulting from a toothache while he was an inmate on Rikers Island during July and August of 2009. Smith’s amended complaint asserts claims against medical manager George Strachan; dentists Quazi Satter, Charles Mirabile, and Sydney Pigott; and the City of New York.¹ (Dkt. No. 31.) Defendants have moved for summary judgment on Plaintiff’s claims. (Dkt. No. 44.) This matter was referred to Magistrate Judge James C. Francis for a report and recommendation on the motion for summary judgment.

The Court has reviewed Magistrate Judge Francis’s Report and Recommendation dated August 18, 2014 (Dkt. No. 56 (the “Report”)), which recommends that Defendants’ motion be granted. At its conclusion, the Report advised that “the parties shall have fourteen (14) days from [the] date [of the report] to file written objections.” (Report at 13.) Neither party filed a timely objection to the Report. Thus, the Court reviews it for clear error. *See* Fed. R. Civ. P.

¹ In his brief in opposition to the motion, Smith withdrew his claims against Defendants Satter, Mirabile, and Pigott with prejudice. (Dkt. No. 52, at 4.)

72(b), advisory committee's note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Cephass v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003) ("As a rule, a party's failure to object to any purported error or omission in a magistrate judge's report waives further judicial review of the point."). Magistrate Judge Francis's thorough and well-reasoned Report presents no such errors and is therefore fully adopted by this Court. Accordingly, summary judgment is awarded to Defendants on all of Plaintiff's claims.

The Clerk of the Court is directed to close the motion at docket number 44 and to close this case.

SO ORDERED.

Dated: October 20, 2014
New York, New York



J. PAUL OETKEN
United States District Judge

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